

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MAURICE PICKETT,

Plaintiff,

v.

Civil Case No. 16-11353
Honorable Linda V. Parker

ROBERT A. MARZANO, MATT
CLEMENCE, ANDREW KIRBY, and
OFFICER KRUEGER,

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE'S JANUARY
24, 2018 REPORT AND RECOMMENDATION AND GRANTING
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

This lawsuit arises from the February 24, 2014 arrest of Plaintiff Maurice Pickett by Plymouth Township police officers and the detention and prosecution that followed. Defendants Matt Clemence, Andrew Kirby, and Officer Krueger are the Plymouth Township officers involved in Plaintiff's arrest and Defendant Robert Marzano is the City of Northville Assistant Prosecutor who brought the charges against Plaintiff. On March 9, 2016, Plaintiff filed a Complaint against Defendants in state court, which Defendants removed to federal court on April 13, 2016. Defendants subsequently filed motions for summary judgment. (ECF No. 15, 17.) The matter has been assigned to Magistrate Judge Stephanie Dawkins Davis for all pretrial proceedings, including a hearing and determination of all non-

dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 4.)

On January 24, 2018, Magistrate Judge Davis issued a report and recommendation (“R&R”), recommending that the Court grant Defendants’ motions for summary judgment. (ECF No. 29.) Magistrate Judge Davis finds no genuine issue of material fact relevant to Plaintiff’s federal claims and that the facts fail to demonstrate the violation of Plaintiff’s rights under federal law. (*Id.* at 13-29.) She concludes that Defendant Marzano is entitled to absolute immunity from Plaintiff’s claims because those claims are based on Defendant Marzano’s decision to prosecute Plaintiff. (*Id.* at 30-33.) Lastly, Magistrate Judge Davis recommends that the Court dismiss without prejudice Plaintiff’s pendant state law claims. (*Id.* at 33-34.)

At the conclusion of her R&R, Magistrate Judge Davis advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at 34.) She further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Davis. The Court therefore adopts the R&R.

Accordingly,

IT IS ORDERED that Defendants' motions for summary judgment (ECF Nos. 15 and 17) are **GRANTED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: February 27, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, February 27, 2018, by electronic and/or U.S. First Class mail.

s/ R. Loury
Case Manager